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PBA 10/25/02  
PATENT

Attorney Docket No.: 041514-5081

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Yoshimi TOMITA )

Application No.: 09/584,783 )

Filed: June 1, 2000 )

For: OPTICAL DISC RECORDING METHOD )  
AND APPARATUS, OPTICAL DISC, )  
AND OPTICAL DISC REPRODUCING )  
APPARATUS )

Group Art Unit: 2754

Examiner: Unassigned

Commissioner of Patents  
Washington, D.C. 20231

Sir:

2652  
**RECEIVED**  
OCT 18 2002  
Technology Center 2600

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. Each item of information contained in this Information Disclosure Statement (IDS) was cited in a European Search Report issued by the European Patent Office on July 2, 2002 in a counterpart foreign application. A copy of the European Search Report is enclosed for the Examiner's consideration.

To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application and no fees are believed to be necessary.

The following documents are listed on the accompanying PTO Form 1449 and are in a language other than English.

1. Japanese Patent Publication No. 10-320773. The relevance of this document can be understood from the attached English-language Abstract as well as from the enclosed European Search Report.

2. Japanese Patent Publication No. 10-320774. The relevance of this document can be understood from the attached English-language Abstract as well as from the enclosed European Search Report.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 17, 2002

By: 

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